

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK-----  
SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

09 Civ. 4346 (PGG)

RESERVE MANAGEMENT COMPANY, INC.,  
RESRV PARTNERS, INC., BRUCE BENT SR.  
and BRUCE BENT II,

ECF CASE

**ORDER**

Defendants,

and

THE RESERVE PRIMARY FUND,

Relief Defendant.

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #. <u>9/23/09</u>
DATE FILED: <u>9/23/09</u>

PAUL G. GARDEPHE, U.S.D.J.:

On September 23, 2009, this Court held a hearing on the Security and Exchange Commission's Application for Injunctive and Other Relief and Approval of Proposed Plan of Distribution. The Court heard from the Commission, the Relief Defendant, the Independent Trustees of the Fund, and the Defendants, as well as from all claimants who wished to make statements in favor of, or in opposition to, the Plan of Distribution.

The Court heard argument concerning, *inter alia*, the Commission's proposals regarding (1) treatment of "straddler" investors – *i.e.*, investors who redeemed only part of their Primary Fund holdings on September 15, 2008; and (2) authorizing a court-appointed monitor to investigate and make recommendations concerning possible claims against investors who were permitted to redeem their Primary Fund shares during the morning of September 15, 2008. The Court also noted that the Massachusetts Securities Division submitted a letter on September 21,

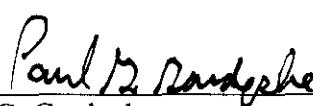
2009, strenuously objecting to the SEC's proposed "claw back" provision and requesting an opportunity to submit an amicus brief concerning this issue. Accordingly,

IT IS HEREBY ORDERED that

1. the Commission shall file, by October 1, 2009, a final proposed order, as well as a list of three individuals it recommends the Court consider for appointment as Monitor, in the event that the Commission's Plan of Distribution is approved;
2. any party or claimant who wishes to submit additional briefing concerning either the "claw back" provision or the appropriate treatment of "straddler" investors may do so by October 6, 2009, by filing their submission with the Court and serving copies on Commission counsel, Nancy A. Brown, Esq., Securities and Exchange Commission, 3 World Financial Center, New York, New York 10281;
3. the Massachusetts Securities Division may submit an amicus brief concerning the "claw back" and "straddler" investor issues by October 6, 2009.

Dated: New York, New York  
September 23, 2009

SO ORDERED.

  
Paul G. Gardephe

Paul G. Gardephe  
United States District Judge